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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,441	03/07/2001	Raymond M. Broemmelsiek	C4-971A	7109

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EXAMINER

HUBER, JEREMIAH C

ART UNIT PAPER NUMBER

2613

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,441

Applicant(s)

BROEMMELSIEK ET AL.

Examiner

Jeremiah C. Huber

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 21, 2005 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 28 -35, and 40-50 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,467,402 to Okuyama et al.

With regard to claim 28, Applicant claims "**displaying motion video data representative of the field of view of the motion video camera**". Column 6, lines 32-39 clearly teach a traffic flow system, wherein the velocity of passing vehicles is calculated, and further that an image of the road, which shows moving vehicles (See Figure 7) is displayed on a monitor. Applicant further requires "**receiving indication of**

a selectable control zone type". Figures 7, 14, and 15, show examples of 'control zones' corresponding to a traffic flow system, security system, and inspection system respectively; each of which control a display monitor 130. The reference also teaches that control zones can be output to a single monitor selectively as taught on col. 16 lines 13-20 and fig. 16. Each scenario will display an image of the selected 'control zone', or static area being monitored. In one case the selected control zone is a road, in another case an entrance to a building, and in yet another case a conveyor belt. Each of which will inherently provide visual data, or indicate, the type of control zone that is under surveillance. Lastly, claim 1 requires **"receiving information pertaining to the size of the control zone, within the FOV of the motion video camera"**. As seen in Figure 7d, and explained in column 6, lines 60-65, a measuring area **g** is determined, which corresponds to the area of road, or area of the FOV of the motion video camera which pertains to the moving objects of interest within the scene. Therefore, the size of the control zone is determined.

The additional limitations of claim 40 require a database of a plurality of control zone types, defining a control zone in a selected view of the FOV of the motion video camera, wherein the control zone is selected from the plurality of control zones stored in the database and defining a tracking behavior for the control zone. As previously stated Figures 7, 14, and 15, a traffic flow system, security system, and inspection system respectively; each contains a display monitor 130. Each scenario will display an image of the control zone, or static area being monitored. In the first case a road, in the second case an entrance to a building, and in the third case a

conveyor belt. Each of which will inherently provide visual data, or indicate, the type of control zone that is under surveillance. In addition Okuyama discloses defining aspects of tracking behavior, in this case related to elimination vehicle shadows, for the control zone from a database (Okuyama 'large scale file') in column 7 line 43 through column 9 line 39. Shadow elimination is a tracking behavior because it is associated with individual vehicles, which must be recognized and tracked and processed differently dependant on color as shown in column 8 line 61 to column 9 line 19. Furthermore, the Okuyama reference teaches an image recognition system, and therefore inherently teaches that information be stored, in advance, to properly carry out the image recognition process. Moreover, stored control zones or images, would include images associated with Figures 7, 14, and 15, to properly carry out the image recognition process of each of the multiple embodiments disclosed by Okuyama.

The additional limitations of claim 43 requiring a readable memory and software for carrying out the claimed process can be found in column 3, line 56 through column 4, line 15, wherein computer memory is used to store procedures for carrying out the method of displaying motion video, and image recognition.

As for claims 29, 41, and 44, Figure 7a-7d show a graphical representation of the control zone in association with the FOV and motion video data.

As for claims 30 and 45, the Okuyama reference teaches several different embodiments, including intrusion detection, which is shown in Figure 14, which would be considered an entry control zone, in addition secured areas can be considered

privacy zones. The area selected in Figure 7d is a tracking zone, and anything outside the area shown in Figure 7d is a black-out and/or exclusion zone.

With regard to claims 31-33, 42, and 46-48, motion detection, object recognition, by the tracking, and ceasing tracking for objects outside the tracking zone are inherently taught Okuyama reference as seen in Figures 7a-7e and further explained in Column 7, line 43 through Column 9, line 39.

With regard to claims 34 and 49, the Okuyama reference teaches several different embodiments, including intrusion detection, which is shown in Figure 14, which would be considered an entry control zone, in addition, secured areas can be considered privacy zones. The area selected in Figure 7d is a tracking zone, and anything outside the area shown in Figure 7d is a black-out and/or exclusion zone. origination zone, as well as a tracking continuation zone, because objects will be

As for claims 35 and 50, the area shown in Figure 7d is considered a tracking origination zone, as well as a tracking continuation zone, because objects will be tracked upon entering the area, and tracked as they pass through the area.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 36-39 and 51-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,467,402.

With regard to claims 36 and 51, in the case of a privacy zone, it has been shown that secured areas, such as interior offices, can be considered privacy zones. It would have been obvious to one of ordinary skill in the art to only monitor movement in a secured area because detected motion would be indicative of intrusion, and tracking would not be necessary to verify an alarm event. (Official Notice)

As for claims 37 and 52, continuation of tracking across zones designated as exclusion zones, due to erroneous motion, such as rippling water, or rustling leaves, is an obvious embodiment because tracking an object outside of an origination zone may be necessary to positively identify the moving object in question, to verify whether or not a threat exists. (Official Notice)

As for claims 38 and 53, designating an entry zone as an origination zone as well as a continuation zone is an obvious embodiment. If tracking begins in an entry, then the entry zone is automatically an origination zone, if tracking begins in an origination zone outside the entry, and for instance, the object being tracked is a burglar, it would be beneficial for the entry to be designated as a continuation zone to continue tracking the burglar in case of unlawful entry. (Official Notice)

With regard to claims 39 and 54, since black-out zones are not necessarily areas of interest or concern, with regard to break-ins or unlawful entry, it would have been obvious to one of ordinary skill in the art not to monitor black-out zones for movement, or intrusion detection. (Official Notice).

Response to Arguments

Applicant's arguments filed 10/21/2005 have been fully considered but they are not persuasive. Examiner maintains the rejection. Explanation to follow.

Applicant asserts that Okuyama does not provide for selection of a control zone type. However, as illustrated in the rejection of claim 28 Okuyama clearly teaches the selection of a control zone for display to an operator, and as stated in previous actions that the control zones can be of various scenarios whose visual data inherently indicate the control zone type that is selected.

The applicant further asserts that Okuyama fails to describe a defining tracking behavior for control zone types. However as illustrated in the rejection of claim 40 tracking behaviors, such as vehicle shadow elimination are defined.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Alexander et al. discloses a web based monitoring system, in which images can contained assigned processing zones. Randall et al discloses a security system with assignable block out masks.

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the

application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremiah C. Huber whose telephone number is (571)272-5248. The examiner can normally be reached on Mon-Fri 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeremiah C Huber
Examiner
Art Unit 2613



YOUNG LEE
PRIMARY EXAMINER